

1 Nanci L. Clarence (SBN 122286)  
2 Josh A. Cohen (SBN 217853)  
3 CLARENCE DYER & COHEN LLP  
4 899 Ellis Street  
5 San Francisco, CA 94109  
6 Tel: (415) 749-1800  
7 Fax: (415) 749-1694  
8 nclarence@clarencedyer.com  
9 jcohen@clarencedyer.com

10 Attorneys for Defendant GIUSEPPE PENZATO

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

GIUSEPPE PENZATO and  
KESIA PENZATO,

Defendant.

CASE NO. CR-12-0089 EMC (EDL)

**STIPULATION AND ~~PROPOSED~~  
ORDER MODIFYING CONDITIONS OF  
RELEASE TO (1) AUTHORIZE  
TEMPORARY RETURN OF PASSPORTS  
TO COUNSEL, AND (2) PERMIT  
TRAVEL TO DISTRICT OF NEVADA**

**STIPULATION**

Defendants Giuseppe and Kesia Penzato have been on pretrial release since their bail hearings before the magistrate court in June 2011. As a condition of their release, Mr. and Mrs. Penzato have surrendered their passports to Pretrial Services. A further condition is that Mr. and Mrs. Penzato not travel outside the Northern District of California without permission.

Because they are in the United States on temporary visas appurtenant to Mr. Penzato's status as a consular employee, Mr. and Mrs. Penzato must periodically renew their immigration status. This is accomplished by way of a ministerial process conducted by the Italian Consulate.

1 In order to extend their status, Mr. and Mrs. Penzato must provide their physical passports to the  
2 Consulate in San Francisco.

3 The government does not object to the temporary release of the Penzatos' passports to  
4 defense counsel to be turned over to the Consulate to facilitate the renewal of the Penzatos'  
5 immigration status. Accordingly, undersigned counsel agree and stipulate that Pretrial Services  
6 should be directed to produce both defendants' passports to defense counsel; that defense counsel  
7 should thereafter deliver the passports to the Italian Consulate for the sole and exclusive purpose  
8 of renewing the Penzatos' immigration status; and that defense counsel should collect the  
9 passports from the Consulate when this process is completed and deliver them forthwith to Pretrial  
10 Services.

11 In addition, Mr. and Mrs. Penzato wish to travel by car with their children to visit relatives  
12 in the Las Vegas area over the Christmas holiday. The government has no objection to this travel.  
13 Accordingly, the parties agree and stipulate that both defendants should be permitted to travel  
14 from the Northern District of California to the District of Nevada (via the Eastern District of  
15 California) between December 22, 2012 and January 3, 2013.

16 IT IS SO STIPULATED.

17  
18 DATED: December 14, 2012

*/s/ Josh Cohen*  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
NANCI CLARENCE  
JOSH COHEN  
Attorneys for GIUSEPPE PENZATO

DATED: December 14, 2012

*/s/ Gail Shifman*  
GAIL SHIFMAN  
Attorney for KESIA PENZATO

DATED: December 14, 2012

*/s/ Owen Martikan*  
OWEN MARTIKAN  
Assistant United States Attorney

## **ORDER**

By stipulation of the parties, and for good cause shown, it is hereby ordered that the conditions under which defendants Giuseppe Penzato and Kesia Penzato have been released by this Court shall be modified as follows:

(1) Pretrial Services shall return Mr. Penzato's and Mrs. Penzato's passports to defense counsel (Nanci Clarence, Josh Cohen, Gail Shifman, or their authorized representatives). Defense counsel shall deliver the passports directly to the Italian Consulate in San Francisco for the sole and exclusive purpose of renewing the defendants' immigration status. Upon completion of this process, defense counsel shall collect the passports from the Italian Consulate and deliver them directly to Pretrial Services.

(2) Mr. and Mrs. Penzato shall be permitted to travel from the Northern District of California to the District of Nevada (via the Eastern District of California) between December 22, 2012 and January 3, 2013. Mr. and Mrs. Penzato shall provide Pretrial Services with any and all requested information concerning the logistics of their travel.

All other conditions of release shall remain in effect.

IT IS SO ORDERED.

DATED: December 17 , 2012

Elijah R D Laporte  
ELIZABETH D. LAPORTE  
UNITED STATES MAGISTRATE JUDGE